

## REMARKS

Applicant has the following response to the rejections in the Office Action.

### Claim Rejections - 35 USC §103

In the Office Action, the Examiner has the following rejections under 35 USC §103(a):

1. Claims 1-3, 9-12, 18-22 and 28-31 are rejected as being unpatentable over Yamada et al. (US 5,990,629) in view of Shioya et al. (US 6,091,382) and Von Stein et al. (US 6,529,243) further in view of Shanks et al. (US 5,747,928) and further in view of Kawashima et al. (US 5,721,562).
2. Claims 7, 16, 26 and 35 are rejected as being unpatentable over Yamada and Shioya and Von Stein and Shanks in view of Kawashima and further in view of Yamazaki et al. (US 6,388,652).
3. Claims 8, 17, 27 and 36 are rejected as being unpatentable over Yamada and Shioya, Von Stein, Shanks and further in view of Kawashima, in view of Yamazaki et al. '652 and further in view of Nagayama et al. (US 6,285,124).

These rejections are respectfully traversed.

More specifically, in the rejections of the independent claims, the Examiner contends that Shioya discloses an insulating layer (transparent insulating film 227) formed on an EL display element (transparent insulating film 227 formed on the third and fourth organic layers 222, 223). The Examiner admits that Shioya (and Yamada, Von Stein and Shanks) do not disclose that the insulating layer comprises a silicon nitride film and a carbon film. The Examiner, however, contends that Kawashima discloses in Fig. 1, an organic EL display device having an insulating film 3 and 5, comprising a silicon nitride film “and should have an obvious of a carbon film.” Applicant respectfully disagrees.

Initially, Applicant notes that the insulating layer (3 and 5) shown in Kawashima (see Fig. 1) is not formed over the EL element. One of ordinary skill in the art would clearly

understand that the EL element in Kawashima is formed from an electrode (item 2), insulating layers (items 3 and 5), a light-emitting film (item 4), and another electrode (item 6). Therefore, in Kawashima, the insulating layers are formed in an EL element, and not over, as in the claims of the present application. Hence, Kawashima does not disclose or suggest this claimed feature of independent Claims 1, 9, 19 and 28.

Furthermore, Kawashima does not disclose or suggest an insulating layer which comprises both a silicon nitride film and a carbon film, as in independent Claims 1, 9, 19 and 28 of the present application. The Examiner contends that from the disclosure in Kawashima of silicon nitride, it should have been obvious to have a carbon film. Applicant respectfully disagrees.

One of ordinary skill in the art would readily understand that the insulators (silicon nitride, tantalum oxide, yttrium oxide, alumina, and silicon oxide) exemplified in Kawashima do not include a carbon atom. There is no disclosure or suggestion in Kawashima of a carbon film in the insulator, and certainly no disclosure of a silicon nitride film and a carbon film. It is not seen how one can conclude that a carbon film with a silicon nitride film would be obvious. Hence, the combination of the references does not disclose or suggest all of the elements recited in independent Claims 1, 9, 19 and 28. Therefore, the above rejections should be withdrawn.

In order to advance the prosecution of this application and to better recite the claimed invention, Applicant is amending independent Claims 1, 9, 19 and 28. For example, Claim 1 has been amended to recite “an EL element that comprises a pixel electrode electrically connected to the thin film transistor, an EL layer formed over the pixel electrode, and an electrode formed over the EL layer.” Claims 9, 19 and 28 have been amended in a similar manner. These features

are supported by, for example, page 19, line 3 to page 20, line 24 in the specification of the present application.

Therefore, for at least the above-stated reasons, the claims of the present application are not disclosed or suggested by the cited references and are patentable over the cited references. Accordingly, it is respectfully requested that these rejections be withdrawn.

#### Amendment To Claims

In addition to the above mentioned amendments, Applicant is also amending some of the dependent claims to correct minor informalities therein. No new matter is being added in these amendments. Therefore, it is requested that these amendment be entered and allowed.

#### Conclusion

It is respectfully submitted that the present application is in a condition for allowance and should be allowed.

Please charge our deposit account 50/1039 for any fee due for this amendment.

Favorable reconsideration is earnestly solicited.

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Respectfully submitted,

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